

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MICHAEL SCOBEE and)
LINDA SCOBEE,)
Plaintiffs,) No. 4:22-CV-488 JAR
v.)
USAA CASUALTY INSURANCE)
COMPANY,)
Defendant.)

MEMORANDUM AND ORDER

Plaintiffs filed their Motion to Compel Responses to Plaintiffs' Second Requests for Production and Supporting Memorandum (ECF No. 69).¹ Therein, Plaintiffs' counsel states she sent a letter, dated March 7, 2023, to defense counsel in a good faith effort to resolve this discovery dispute. (ECF Nos. 69 at 2; 69-2). Plaintiffs' counsel argues that Defendant has not properly responded to their discovery requests.

Under this Court's local rules, “[t]he Court will not consider any motion relating to discovery and disclosure unless it contains a statement that movant's counsel has conferred **in person or by telephone** with the opposing counsel in good faith ...” E.D.Mo. L.R. 3.04 (emphasis added). Written correspondence is insufficient to satisfy this requirement for a good faith attempt to resolve the discovery dispute. *See Gregg v. B&G Transportations, LLC*, No. 4:20-CV-766 RLW, 2021 WL 6932965, at *1 (E.D. Mo. Nov. 30, 2021) (“Defendants’ motion contains no statement that their counsel has conferred with opposing counsel in person or by

¹In the future, moving parties “must file with each motion a memorandum in support of the motion, including any relevant argument and citations to any authorities on which the party relies.” E.D.Mo. L.R. 4.01(A).

telephone regarding the discovery dispute at issue, much less provide the details required by Local Rule 3.04(A). As a result of Defendants' failure to comply with Local Rule 3.04(A), the Court will not consider the instant motion and will deny the same without prejudice."); *Cotton v. AT&T Operations, Inc.*, No. 406-CV-438 CAS, 2006 WL 4556031, at *1 (E.D. Mo. Sept. 6, 2006) ("As a result of plaintiff's failure to comply with Local Rule 3.04(A), the Court will not consider the instant motion and will deny the same without prejudice."). Therefore, the Court denies Plaintiffs' Motion to Compel Responses to Plaintiffs' Second Requests for Production and Supporting Memorandum (ECF No. 69) without prejudice.

Accordingly,

IT IS HEREBY ORDERED that Plaintiffs' Motion to Compel Responses to Plaintiffs' Second Requests for Production and Supporting Memorandum (ECF No. 69) is **DENIED** without prejudice.

Dated this 7th day of April, 2023.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE